

**OTAY RIVER WATERSHED MANAGEMENT PLAN  
JOINT EXERCISE OF POWERS AGREEMENT  
POLICY COMMITTEE**

**STAFF REPORT**

**DATE:** December 13, 2004

**TO:** Policy Committee

**SUBJECT:** Status Report: Otay River Watershed Management Plan

**SUMMARY:**

**Overview**

The Otay River Watershed Management Plan (ORWMP) involves:

- 1) Characterizing the Otay River watershed's various resources and land uses;
- 2) Identifying goals and objectives;
- 3) Assessing and prioritizing threats to existing beneficial uses and natural resources;
- 4) Identifying implementation strategies for the protection, enhancement, and restoration of beneficial uses and natural resources, including a water quality monitoring program to monitor, maintain, and enhance water quality.

The ORWMP will be consistent with the applicable local General Plans, local resource plans and programs, the Otay River Special Area Management Plan (SAMP), and the Municipal Storm Water Permit (San Diego Region National Pollutant Discharge Elimination System [NPDES] General Permit Order No. 2001-01). It will be utilized to bring focus to regional plans on the local level of a single watershed. These regional plans and programs include: Multiple Species Conservation Program (MSCP), Otay Valley Regional Park (OVRP) and Otay River Special Area Management Plans (SAMP). The ORWMP can provide the necessary tools to coordinate these programs and provide solutions for existing and projected future problems within the watershed. One vision for this plan is to coordinate the existing plans and programs that affect the watershed to more clearly identify critical areas and practices that need to be targeted for issues such as water quality, land use, stormwater and flood control.

The ORWMP is a programmatic advisory document and is not regulatory. The document is subject to change. Once the ORWMP is approved and adopted, specific projects would be evaluated to determine how they conform to the plan. The ORWMP will include an implementation program describing how each signatory Public Agency can implement the ORWMP to assure high water quality standards and protect natural aquatic and upland resources in this watershed. Proper planning now will ensure that the water quality, plants, animals, habitat and natural beauty will endure for generations to come.

Future funding opportunities through Propositions 40 and 50 and the State's Consolidated Grant Program require implementation projects to be part of an approved watershed management plan. Potential beneficiaries of funding within the Otay River Watershed include acquisition, recreational, restoration, enhancement and other projects within the Otay River Regional Park, County and City Multiple Species Conservation Programs and municipal infrastructure, stormwater and water quality projects throughout the watershed.

This report provides a status of the ORWMP.

**Staff Recommendation:**

Accept Status Report.

**STATUS:**

**Joint Exercise Of Powers Agreement (JEPA)**

On March 24, 2004, the County of San Diego, City of Chula Vista, City of Imperial Beach, and the Unified Port of San Diego entered into a Joint Exercise of Powers Agreement (JEPA) to develop and adopt the ORWMP (Attachment A). The City of San Diego reconsidered its intent to participate in this effort and, as of October 6, 2004, has not yet determined whether to enter into the JEPA.

In accordance with the JEPA, the Executive Committee and Policy Committees have been formed and representatives appointed as follows:

**Policy Committee**

City of Chula Vista	Councilmember John McCann
City of Imperial Beach	Councilmember Mayda Winter
County of San Diego	Supervisor Greg Cox, District 1
Unified Port of San Diego	Commissioner William A. Hall

### Executive Committee

City of Chula Vista  
City of Imperial Beach  
County of San Diego  
Unified Port of San Diego

George Krempf, Assistant City Manager  
Gary Brown, City Manager  
Bob Copper, Deputy Chief Administrative Officer  
Bruce B. Hollingsworth, President/CEO

### Project Team

The JEPA Project Team consists of staff from each of the above jurisdictions. Although the City of San Diego is currently not a signator to the JEPA, City of San Diego staff have attended Project Team meetings to provide and receive information. Trish Boaz, Environmental Resource Manager with the County of San Diego, is the lead staff on this project.

### Stakeholder Committee/Working Group

A Stakeholder Committee has been formed pursuant to Section 6 of the JEPA and is referred to as the "Working Group." It has been meeting the first Wednesday of each month for the last five months. More detail on the Working Group is included in the staff report (See Item 3.a).

### **Consultant**

The County of San Diego Board of Supervisors authorized staff to enter into a contract in the amount of \$652,771.15 with Aspen Environmental Group for consultant services related to the ORWMP. The contract became effective on February 10, 2004 for a term ending June 30, 2006. Aspen will assist and prepare the bulk of the planning documents necessary for the development of the ORWMP. These documents include but are not limited to: Goals and Objectives, Watershed Assessment, Function and Values Report, and Draft and Final Watershed Plan.

Aspen provides a quarterly status report of the project deliverables, a copy of which is attached for your review. The consultant is on-target for as shown in the attached ORWMP schedule (as of October 6, 2004)(Attachment B).

To date, the Consultant has invoiced the County for \$189,173.30 for services rendered in connection with the ORWMP as follows. The County invoiced and has received from the State reimbursement of \$48,910.00 in Proposition 13 funds.

Consultant Task Description	Total Budget	Total Invoiced To Date	% Invoiced to Date	% Project Completed
ID past, current and future conditions	\$114,336.21	\$117,252.04	102.55%*	100.00%
Develop Watershed-Specific GIS Inventory	\$26,527.40	\$23,132.56	87.20%	100.00%
ID Flood Control Structures and Other Facilities	\$20,196.46	\$18,787.01	93.02%	100.00%
Develop Baseline Watershed Indicators	\$28,113.23	\$18,940.60	67.37%	100.00%

**\*Savings in other activities as allowed under Article 5 of County Contract No. 46618 covers line item overages.**

### **Proposition 13 Grant Funding**

Based on a staff recommendation of the Regional Water Quality Control Board Region 9 (Regional Board) (Attachment C), the State Water Resources Control Board sent the County of San Diego a letter of termination dated August 5, 2004 related to Proposition 13 Grant Contract No. 02-036-259-0 for the ORWMP (Attachment D). Under the terms of the contract, there is no appeal process and the notice of termination is the final agency action.

The effect of this termination is the loss of the balance of the \$200,000 of Proposition 13 grant funding (\$151,290). The County of San Diego will be covering these costs and no additional fair share funding is being requested from the other jurisdictions at this time.

Subsequent to the termination of the contract, County staff has met with Regional Board staff to determine how the planning process can be improved and the need to allow more time for the consultant, Project Team and Working Group to prepare, review and discuss documents in order to produce a scientifically viable and publicly-supportive document.

### **Schedule**

The schedule adopted as part of the original State Proposition 13 contract showed that the draft ORWMP would be completed by November of 2004. However, based on conversations with the Regional Board, and input from Project Team and Working Group members, the schedule has been revised (Attachment E). According to the attached schedule, all consultant deliverables are anticipated to be completed by the end of January 2005. The consultant, Working Group and Project Team have estimated that it will take approximately five months to review, comment and revise (as necessary) the project deliverables and drafts of the ORWMP. The required 45-day public review period will begin in July 2005 and end in September 2005. Another four months will be necessary to respond to and discuss public comments, and make appropriate revisions. Based on the above time assumptions, staff anticipates the final draft ORWMP will be completed in January 2006.

The ORWMP is not a regulatory document but a programmatic advisory document. Therefore, the ORWMP is not subject to environmental review under the California Environmental Quality Act (CEQA).

This schedule may be expedited if the Working Group-Project Team comments on the project deliverables and drafts of the ORWMP are completed in less than five months.

### **Outreach Activities**

- A website for the ORWMP is online and can be viewed by visiting:  
  
[http://cosda102.co.san-diego.ca.us/pub\\_out/OtayRiverWMPRevised.htm](http://cosda102.co.san-diego.ca.us/pub_out/OtayRiverWMPRevised.htm)
- The Working Group and Project Team are currently planning a tour of the watershed. Executive and Policy Committee members will receive announcements of the tour when a date is finalized.

### **ATTACHMENTS:**

- Attachment A - [Joint Exercise of Powers Agreement dated March 24, 2004](#)
- Attachment B - Aspen Environmental Group ORWMP Quarterly Report for the period of June 15, 2004-September 15, 2004
- Attachment C - Regional Water Quality Control Board letter to State Water Resources Control Board dated July 28, 2004
- Attachment D - State Water Resources Control Board letter dated August 5, 2004
- Attachment E -- [Schedule](#)

### **CONTACT PERSON:**

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